

**§ 2101.15 Initial reply to request.**

(a) The Staff Secretary will review the recommendations of primary reviewing officers and approve initial replies.

(b) An initial response will always be made even if processing has not been completed.

(c) If processing has not been completed but an interim negative reply has been dispatched, processing will continue.

(d) Accurate record of replies will be maintained by Secretariat.

(e) If a negative or partial denial response is dispatched, requester will be notified of his right to appeal.

(f) If some or all material is approved for release, the Staff Secretary will insure it is expeditiously dispatched to the requestor or grant authority to NARS or other Agency to release the material.

**§ 2101.16 Processing of appeals to "Head of Agency".**

(a) Replies to appeals will be approved by the Assistant to the President for National Security Affairs, or the Deputy Assistant acting in the name of the Assistant to the President.

(b) The Staff Secretary will be responsible for preparing material required by the above appeal review officer in making a final determination.

(1) Views of primary reviewing officers will again be solicited.

(2) Opinion of Office of the White House Counsel and/or Department of Justice on legal ramifications will be solicited.

(c) Staff Secretary will insure replies to appeals are dispatched within 20 working days of receipt or before exhaustion of time of an authorized time extension.

**§ 2101.17 Appeals to Federal District Courts.**

(a) Staff Secretary will coordinate the NSC Staff's support (to include background data, affidavits, etc.) to USG lawyers defending against court appeals for denied NSC classified documents.

(b) If court judgment is against USG, Staff Secretary will arrange release of documents to litigant.

**Subpart C—Schedule of Fees and Method of Payment for Services Rendered**

**§ 2101.21 Fees schedule.**

(a) Fees schedule for the search and reproduction of information available under the Freedom of Information Act (5 U.S.C. 552), as amended:

(1) *Search for records.* \$5.00 per hour when the search is conducted by a clerical employee. \$8.00 per hour when the search is conducted by a professional employee. No charge for searches of less than 1 hour.

(2) *Duplication of records.* Records will be duplicated at a rate of \$.25 per page for all copying of 4 pages or more. There is no charge for duplicating documents of 3 or less pages or the first three pages of documents of greater length.

(3) *Other.* When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or type thereof, the Staff Secretary is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act. Examples of services covered by this provision include searches involving computer time or special travel, transportation, or communications costs.

(b) If records requested under the Act are stored elsewhere than the headquarters of the National Security Council Staff at Washington, DC, the special costs of returning such records to the headquarters for review will be added to the search costs. Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the NSC Staff determines that a record which has been requested, but which is exempt from disclosure under the Act, is to be withheld. Processing of a request for records will not be undertaken until a requestor has paid in full for search and duplication charges for any previous document request under the Act.

(c) Where it is anticipated that the fees chargeable under this section will amount to more than \$25, and the requestor has not indicated in advance his willingness to pay fees as high as